

4/30/08 142181 ESM/kc

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS--EASTERN DIVISION**

84 Lumber Company, a Pennsylvania Limited Partnership)	
)	
Plaintiff,)	Case No. 08CV-958
)	
-vs-)	
)	Assigned Judge: Manning
Boss Construction, Inc. and Steven Roger Smith)	
)	Designated
Defendant(s).)	Magistrate Judge: Cole

MOTION FOR ENTRY OF A DEFAULT JUDGMENT AGAINST DEFENDANTS

NOW COMES the Plaintiff, 84 Lumber Company, a Pennsylvania Limited Partnership, by and through its attorney, Edward S. Margolis, and moves this Court for entry of a default judgment against Defendants, Boss Construction, Inc., and Steven Roger Smith, for the following reasons:

1. That suit was filed in this case on February 15, 2008.
2. That subsequently the Plaintiff filed an Amended Complaint on March 4, 2008.
3. That Defendants, Boss Construction, Inc., and Steven Roger Smith, were duly served with Summons and Plaintiff's Amended Complaint on March 23, 2008 as per Exhibits "A" and "B" attached.
4. That more than 20 days has elapsed since the Defendants were served with process in this case, and Defendants have neither appeared nor filed a responsive pleading.
5. That by reason of the Defendants' failure to appear and plead, the Defendants are in default.
6. That by reason of the Defendants' default, the allegations of Plaintiff's Complaint are confessed as true.
7. That the Plaintiff is a Pennsylvania Limited Partnership and all of its general partners, limited partners, and beneficiaries are citizens and residents of the State of Pennsylvania.
8. That Defendant, Boss Construction, Inc., is an Illinois corporation with its principal place of business in this judicial district and the Defendant, Steven Roger Smith, is a citizen of the State of Illinois and a resident of this judicial district.
9. That Plaintiff's Complaint against Defendant, Boss Construction, Inc., is for building materials sold, delivered, and accepted by the Defendant for which a principal balance remains due and owing from the Defendant to the Plaintiff in the amount of \$103,850.85 as supported by the Affidavit of Brenda Torri attached hereto and made a part hereof of Exhibit "C".

10. That further the Plaintiff is entitled to interest at the rate of 18% from January 1, 2008 to the date of the hearing of this motion which comes to \$4500.00 plus reasonable attorneys' fees which the Plaintiff claims to be \$2500.00 as per the Affidavit of Brenda Torri attached as Exhibit "C".

WHEREFORE, the Plaintiff, 84 Lumber Company, a Pennsylvania Limited Partnership, prays for entry of judgment against Defendants, Boss Construction, Inc., and Steven Roger Smith, in the amount of \$110,880.85, plus costs of suit.

**84 LUMBER COMPANY, A PENNSYLVANIA LIMITED
PARTNERSHIP**

Plaintiff herein,

/s/ Edward S. Margolis

One of its attorneys

TELLER, LEVIT & SILVERTRUST, P.C.

Attorneys for Plaintiff

11 East Adams Street--#800

Chicago, Illinois 60603

(312) 922-3030 – Attorney ID# 01763539